IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

I.T.R No.404 of 1995
Date of decision:30.11.2006

The Commissioner of Income Tax, Jalandhar ...Petitioner

Versus

M/S Golden View Electrical Industries Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR.JUSTICE ADARSH KUMAR GOEL
HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Dr.N.L.Sharda, Advocate for the revenue.
Mr.Sunil Kumar Mukhi, Advocate for respondent.

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JUDGMENT

Following question of law has been referred for opinion of this Court by the Income Tax Appellate Tribunal, Amritsar Bench Amritsar arising out of its order dated 13.11.1992 passed in I.T.A.No.807(ASR)/1980, in respect of the assessment year 1985-86.

> "Whether on the facts and in the circumstance of the case, the Ld. ITAT was right in law in holding the expenses on account of special turn over discount of Rs.2,16,664/- are not to be taken into account for the purpose of disallowance under section 37(3A) of the Income Tax Act, 1961?

Learned counsel for the revenue points out that question of disallowance of commission on sales has been earlier gone into by this court in the case of **CIT Vs. M/S Knit Foulds (P) Ltd., Kapurthala**, ITR No.588 of 1995 decided on 17.1.2005 wherein the same has been answered against the revenue and in favour of the assessee.

In view of the above, the question referred is answered against the Revenue and in favour of the assessee.

(Adarsh Kumar Goel)
Judge

November 30,2006 **(Rajesh Bindal)**
Pka **Judge**